

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

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UNITED STATES OF AMERICA,

CR 21-40041

Plaintiff,

FACTUAL BASIS STATEMENT

vs.

ANTHONY JAMES BERST,

Defendant.

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The Defendant states that the following facts are true, and the parties agree that they establish a factual basis for the offense to which the Defendant is pleading guilty pursuant to Fed. R. Crim. P. 11(b)(3):

My name is Anthony James Berst.

Between September 7, 2020, and January 6, 2021, I used a Snapchat account to upload files containing child pornography, that is, files showing minors engaged in sexually explicit conduct. I also downloaded files that contained child pornography from the internet on to my cell phone and laptop.

I admit to knowingly have received digital files that depicted child pornography that had been mailed, shipped, and transported in or affecting interstate or foreign commerce by any means, including by computer.

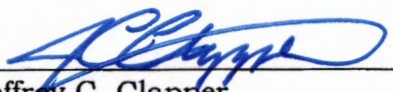
All of my actions were in violation of 18 U.S.C. §§ 2252A(a)(2)(A) and 2252A(b)(1).

The defendant further stipulates and agrees that the following property was used or intended to be used in the commission of the offense described above:

1. a ZTE Z839 cellular phone with Serial Number # 320487187839; and
2. an Asus EeePC 1005PEB Laptop computer with Serial Number # 5VCBF0MG.

DENNIS R. HOLMES  
Acting United States Attorney

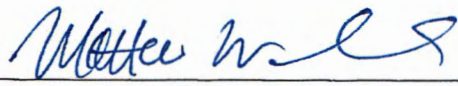
July 27, 2021  
Date

  
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Jeffrey C. Clapper  
Assistant United States Attorney  
P.O. Box 2638  
Sioux Falls, SD 57101-2638  
Telephone: (605) 357-2351  
Facsimile: (605) 330-4410  
E-Mail: [Jeff.Clapper@usdoj.gov](mailto:Jeff.Clapper@usdoj.gov)

7-22-21  
Date

  
\_\_\_\_\_  
Anthony James Berst  
Defendant

7-22-21  
Date

  
\_\_\_\_\_  
Matthew M. Powers  
Attorney for Defendant